



VOSH PROGRAM DIRECTIVE: 02-214

ISSUED: October 1, 2000

SUBJECT: Home-Based Worksites

A. Purpose.

This directive transmits to field personnel guidance to VOSH's compliance personnel about inspection policies and procedures concerning worksites in an employee's home.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

OSHA Instruction CPL 2-0.125 (February 25, 2000)

D. Cancellation.

Not Applicable

E. Action.

The Directors and Managers shall ensure that the policies and procedures regarding employee home-based worksites in this Directive are followed.

F. Effective Date.

October 1, 2000

Jeffrey D. Brown
Commissioner

e-Attachment: OSHA Instruction CPL 2-0.125 (February 25, 2000)

[http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES
&p_id=2254&p_text_version=FALSE](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2254&p_text_version=FALSE)

Distribution: Commissioner of Labor and Industry
Directors and Managers
VOSH Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III
OSHA Area Office, Norfolk

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Regional Administrator

Commissioner of Labor and Industry

Area Director

Regional Director

Regional Solicitor

Attorney General or VOSH Office of Legal Support (OLS)

Agency

Department

Office of Statistics

VOSH Research and Analysis

Compliance Safety and Health Officer (CSHO) and/or Industrial Hygienist

CSHO

Field Inspection Reference Manual (FIRM)

VOSH Field Operations Manual (FOM)

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I. Purpose. This instruction provides guidance to OSHA’s compliance personnel about inspection policies and procedures concerning worksites in an employee’s home. This instruction supersedes all previous statements and guidance on the subject.

II. Scope. This instruction applies OSHA-wide.

III. References.

OSHA Instruction CPL 2.103, Field Inspection Reference Manual (FIRM);
OSHA Instruction CPL 2.115, Complaint Policies and Procedures;
OSHA Instruction STP 2.22A, State Plan Policies and Procedures Manual (SPM).

IV. Federal Program Change. This instruction describes a Federal Program Change for which State adoption is not required.

NOTE: In order to effectively enforce safety and health standards, guidance to compliance staff is necessary. Therefore, although adoption of this instruction is not required, States are expected to have enforcement policies and procedures which are at least as effective as those of federal OSHA.

V. Action Offices.

- A. Responsible Office. Directorate of Compliance Programs.
- B. Action Offices. Regional, Area, and District Offices and State Plan States.
- C. Information Offices. Consultation Project Offices.

VI. Action.

OSHA Regional Administrators, Area Directors, and National Office Directors will ensure that the policies and procedures regarding employee home-based worksites set forth in this instruction are followed.

VII. Definitions.

- A. *Home-Based Worksite.* The areas of an employee’s personal residence where the employee performs work of the employer.
- B. *Home Office:* Office work activities in a home-based worksite (e.g., filing,

keyboarding, computer research, reading, writing). Such activities may include the use of office equipment (e.g., telephone, facsimile machine, computer, scanner, copy machine, desk, file cabinet).

VIII. Background.

The purpose of the Occupational Safety and Health Act of 1970 (OSH Act) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions....” (Section 2(b)). The OSH Act applies to a private employer who has any employees doing work in a workplace in the United States. It requires these employers to provide employment and a place of employment that are free from recognized, serious hazards, and to comply with OSHA standards and regulation (Sections 4 and 5 of the OSH Act). By regulation, OSHA does not cover individuals who, in their own residences, employ persons for the purpose of performing domestic household tasks.

OSHA respects the privacy of the home and has never conducted inspections of home offices. While respecting the privacy of the home, it should be kept in mind that certain types of work at home can be dangerous/hazardous. Examples of such work from OSHA’s past inspections include: assembly of electronics; casting lead head jigs for fishing lures; use of unguarded crimping machines; and handling adhesives without protective gloves.

IX. Policy for Home Offices.

OSHA will not conduct inspections of employees’ home offices.

OSHA will not hold employers liable for employees’ home offices, and does not expect employers to inspect the home offices of their employees.

If OSHA receives a complaint about a home office, the complainant will be advised of OSHA’s policy. If an employee makes a specific request, OSHA may informally let employers know of complaints about home office conditions, but will not follow-up with the employer or employee.

X. Policy for Other Home-Based Worksites.

OSHA will only conduct inspections of other home-based worksites, such as home manufacturing operations, when OSHA receives a complaint or referral that indicates that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, including reports of a work-related fatality.

The scope of the inspection in employee’s home will be limited to the employee’s work activities. The OSH Act does not apply to an employee’s house or furnishings.

Employers are responsible in home worksites for hazards caused by materials, equipment, or work processes which the employer provides or requires to be used in an employee's home.

If a complaint or referral is received about hazards at an employee's home-based worksite, the policies and procedures for conducting inspections and responding to complaints as stated in OSHA Instruction CPL 2.103 (the FIRM) and OSHA Instruction CPL 2.115, Complaint Policies and Procedures, will be followed, except as modified by this instruction.

XI. Other Requirements.

Employers who are required, because of their size or industry classification, by the OSH Act to keep records of work-related injuries and illnesses, will continue to be responsible for keeping such records, regardless of whether the injuries occur in the factor, in a home office, or elsewhere, as long as they are work-related, and meet the recordability criteria of 29 CFR Part 1904.

Other than clarifying policy on inspections and procedures concerning home-base worksites, this instruction does not alter or change employer' obligations to employees.